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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,420	10/20/2003	Hans-Wilhelm Klein	ZTP01P18004	2801
24131	7590	02/18/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			NGUYEN, VINH P	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/689,420

Applicant(s)

KLEIN, HANS-WILHELM

Examiner

VINH P NGUYEN

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1003</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. This application is in condition for allowance except for the following formal matters:

2. The abstract of the disclosure is objected to because legal phraseology such as “the invention” is used. Correction is required. See MPEP § 608.01(b).

3. Claims 1-20 are objected to because of the following informalities:

In claims 1 and 10, it is unclear how the “a rise time of the current” and “a current rise” are measured and which device is used for that purpose. It is also unclear how “a rise time of the current” or “a current rise” are related to a winding temperature of a drive motor?

In claim 7, it is unclear what “an acknowledgement” is. Is it referred to a specific measured parameter such as “current”, “voltage”, or “temperature”.

In claim 11, it is unclear what “time measurement apparatus” represent.

In claim 17, it is unclear what “a downstream control unit” represents. Is it shown in any of drawings?

In claims 18-20, it is unclear what “time measurement apparatus” represents. Is it shown in any of drawings.

The dependent claims not specifically address share the same indefiniteness as they depend from objected base claims.

4. if the objection(s) of claims 1,7,10-11,17-20 are overcome, claims 1-20 would be allowable because the prior art does not disclose method and apparatus for measuring a winding temperature of a drive motor by specifically calculating a change in temperature of the motor

windings from a change in the current flow resulting from a change in the temperature dependent resistance or programming the computation unit for determining one of temperature change and a temperature of the windings based upon one of the instantaneous resistance and an instantaneous change in the temperature dependent resistance.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Atarashi (Pat # 6,700,400) disclose constant detecting apparatus for brushless DC motor, control apparatus for brushless DC motor and program for detecting constant of brushless DC motor.

Paice (pat # 4,083,001) disclose measurement of motor winding temperature.


Maier et al (Pat # 6,504,358) disclose method for detecting the operating temperature of a motor.

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Ursworth et al (Pat # 5,510,687) disclose electric motor controller with temperature protection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P NGUYEN whose telephone number is (571)-272-1964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2829  
02/16/05